

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TERRENCE HESTER,

Plaintiff,

vs.

Case No. 12-CV-13015  
HON. GEORGE CARAM STEEH

MICHIGAN STATE POLICE  
TROOPER MARK MILLER,

Defendant.

ORDER DENYING IN PART DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT (DOC. # 17)

This is an excessive force civil rights case in which plaintiff Terrence Hester alleges the improper use of handcuffs by defendant, Michigan State Police Trooper Mark Miller. The court held oral argument on defendant's motion for summary judgment on September 23, 2013. As stated and for the reasons given on the record, all of plaintiffs' state law claims are **DISMISSED**; however, defendant's motion for summary judgment as to plaintiff's Fourth Amendment excessive force claim brought under 42 U.S.C. § 1983 is **DENIED**.

The court has set new dates in this matter as follows:

Final pretrial order due: 10/21/13  
Final pretrial conference: 10/28/13 at 9:00 a.m.  
Jury trial: 11/12/13 at 9:00 a.m.

**IT IS SO ORDERED.**

Dated: September 23, 2013

s/George Caram Steeh  
\_\_\_\_\_  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
September 23, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk